IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 18614 of 2003(N)

PETITIONER:

K.O.VARGHESE, S/O. OUSEPH, KOORAN
KALLOOKARAN HOUSE, DEVAGIRI, THURAVOOR VILLAGE,
ANGAMALY.

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS:

---

1. DISTRICT COLLECTOR, ERNAKULAM.

2. DEPUTY TAHSILDAR (RR), ALUVA.

3. THE ASST.EXECUTIVE ENGINEER, MAJOR
TRANSMISSION SECTION, MOOLAMATTOM.

4. CIRCLE INSPECTOR OF POLICE,
ANGAMALY POLICE STATION, ANGAMALY.

R1,R2 & R4 BY GOVERNMENT PLEADER SMT. SMITHA
R3 BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.4514 OF 2003 IN WPC 18614 OF 2003

DISMISSED

16.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE APPLICATION PREFERRED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 24.10.96

EXT.P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 13.11.2001

EXT.P3 TRUE COPY OF THE DEMAND NOTICE RECEIVED BY THE PETITIONER FROM THE 4TH RESPONDENT. DATED 14.11.2003

EXT.P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED NIL..

3RD RESPONDENT'S EXHIBITS:

EXT. R3(a) TRUE COPY OF THE SHOW CAUSE NSOTICE ISSUED TO THE PETITIONER DATED 21.10.98

EXT.R3(b) TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER.

EXT.R3(c) TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER DATED 4.1.99

EXT.R3(d) TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 18614 OF 2003

Dated this the 16th day of March, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of compensation towards loss caused to KSEB on account of blasting of rock near/beneath 220 KV line. Standing counsel for KSEB referred to mahazar and stated that damage is already caused to insulator and to the line. However, mahazar does not disclose any specific damage or loss suffered by the KSEB. On the other hand, loss stated therein is just an estimation without details of the basis. In any case blasting very near high voltage line is not safe and therefore there will be direction to the petitioner to proceed for further blasting only if no objection is issued by the RDO or Collector after hearing the petitioner and after considering the objection of the KSEB. So far as the challenge against determination of compensation is concerned, certainly the matter requires reconsideration. However, this Court had passed interim order on 13.6.2003 directing payment of Rs. 5000/-. I feel the matter can be given a quietus by refixing the compensation at Rs. 5000/-. The

demand of balance compensation and recovery proceedings will stand quashed.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge